

FILED by CF D.C.
ELECTRONIC

OCT 25, 2007

CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

07-20839-CR-HUCK/SIMONTON
CASE NO. _____

18 U.S.C. § 1111(a)
18 U.S.C. § 1201(a)(2)
18 U.S.C. § 2111
18 U.S.C. § 2

UNITED STATES OF AMERICA

vs.

KIRBY LOGAN ARCHER
and
GUILLERMO ALFONSO ZARABOZO,

Defendants.

INDICTMENT

The Grand Jury charges that:

COUNTS 1-4
(First Degree Murder)

On or about September 22, 2007, within the special maritime and territorial jurisdiction of the United States, and elsewhere, with Miami-Dade County, in the Southern District of Florida, being the district in which the offenders were first brought, the defendants,

KIRBY LOGAN ARCHER
and
GUILLERMO ALFONSO ZARABOZO,

did knowingly and unlawfully with malice aforethought and from a willful, deliberate, malicious, and premeditated design to effect the death of a human being and did unlawfully with malice

aforethought, in the perpetration of, and attempt to perpetrate, any kidnapping and robbery, as defined by Title 18, United States Code, Sections 1201(a)(2) and 2111, respectively, kill the following human beings:

<u>COUNT</u>	<u>HUMAN BEING</u>
1	Jake H. Branam
2	Kelley S. Branam
3	Scott M. Gamble
4	Samuel A. Kairy

In violation of Title 18, United States Code, Sections 1111(a), 7, and 2.

COUNTS 5–8
(Kidnapping)

On or about September 22, 2007, within the special maritime and territorial jurisdiction of the United States, and elsewhere, with Miami-Dade County, in the Southern District of Florida, being the district in which the offenders were first brought, the defendants,

KIRBY LOGAN ARCHER
and
GUILLERMO ALFONSO ZARABOZO,

did unlawfully seize, confine, inveigle, decoy, kidnap, and abduct, and carry away, and hold for reward and otherwise, and attempt to seize, confine, inveigle, decoy, kidnap, abduct, and carry away, and hold for reward and otherwise, any person, as set forth in the counts below, with said conduct resulting in the death of any person:

<u>COUNT</u>	<u>PERSON</u>
5	Jake H. Branam
6	Kelley S. Branam
7	Scott M. Gamble
8	Samuel A. Kairy

In violation of Title 18, United States Code, Sections 1201(a)(2), 7, and 2.

COUNT 9
(Robbery)

On or about September 22, 2007, within the special maritime and territorial jurisdiction of the United States, and elsewhere, with Miami-Dade County, in the Southern District of Florida, being the district in which the offenders were first brought, the defendants,

KIRBY LOGAN ARCHER
and
GUILLERMO ALFONSO ZARABOZO,

did knowingly, by force, violence, and intimidation, take, and attempt to take, from the person and presence of another a thing of value, that is, the *F/V Joe Cool* and its engines, equipment, and appurtenances, in violation of Title 18, United States Code, Sections 2111, 7, and 2.

NOTICE OF SPECIAL FINDINGS

The Grand Jury finds that:

Pursuant to Chapter 288 (Sections 3591 through 3599) of Title 18 of the United States Code, the following factors exist regarding defendants **KIRBY LOGAN ARCHER** and **GUILLERMO ALFONSO ZARABOZO** and their commission of the offenses charged in Counts 1 through 8 of the Indictment, the allegations of which are fully re-alleged and incorporated herein by this reference.

A. Statutory Factors Enumerated Under Title 18, United States Code, Section 3591(a)(2).

1. Defendants' Ages. Defendants **KIRBY LOGAN ARCHER** and **GUILLERMO ALFONSO ZARABOZO** were each 18 years of age or older at the time they committed the offense.

2. Defendants' Mental State.

a. Defendants **KIRBY LOGAN ARCHER** and **GUILLERMO ALFONSO ZARABOZO** intentionally killed Jake H. Branam, Kelley S. Branam, Scott M. Gamble, and Samuel A. Kairy. Title 18, United States Code, Section 3591(a)(2)(A).

b. Defendants **KIRBY LOGAN ARCHER** and **GUILLERMO ALFONSO ZARABOZO** intentionally inflicted serious bodily injury to Jake H. Branam, Kelley S. Branam, Scott M. Gamble, and Samuel A. Kairy that resulted in the deaths of Jake H. Branam, Kelley S. Branam, Scott M. Gamble, and Samuel A. Kairy. Title 18, United States Code, Section 3591(a)(2)(B).

c. Defendants **KIRBY LOGAN ARCHER** and **GUILLERMO ALFONSO ZARABOZO** intentionally participated in an act, contemplating that a life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of

the participants in the offense, and Jake H. Branam, Kelley S. Branam, Scott M. Gamble, and Samuel A. Kairy died as a direct result of the act. Title 18, United States Code, Section 3591(a)(2)(C).

d. Defendants **KIRBY LOGAN ARCHER** and **GUILLERMO ALFONSO ZARABOZO** intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Jake H. Branam, Kelley S. Branam, Scott M. Gamble, and Samuel A. Kairy died as a direct result of the act. Title 18, United States Code, Section 3591(a)(2)(D).

B. Statutory Factors Enumerated Under Title 18, United States Code, Section 3592(c).

1. Death During Commission of Another Crime. The deaths of Jake H. Branam, Kelley S. Branam, Scott M. Gamble, and Samuel A. Kairy occurred during the commission of or attempted commission of kidnapping under Title 18, United States Code, Section 1201, by defendants **KIRBY LOGAN ARCHER** and **GUILLERMO ALFONSO ZARABOZO**. Title 18, United States Code, Section 3592(c)(1).

2. Substantial Planning and Premeditation. Defendants **KIRBY LOGAN ARCHER** and **GUILLERMO ALFONSO ZARABOZO**, committed the offense after substantial planning and premeditation to cause the death of a person, which resulted in the deaths of Jake H. Branam, Kelley S. Branam, Scott M. Gamble, and Samuel A. Kairy. Title 18, United States Code, Section 3592(c)(9).

3. Multiple Killings. Defendants **KIRBY LOGAN ARCHER** and **GUILLERMO**

ALFONSO ZARABOZO intentionally killed more than one person in a single criminal episode.

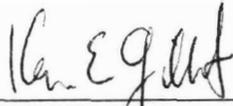
Title 18, United States Code, Section 3592(c)(16).

A TRUE BILL

FOREPERSON



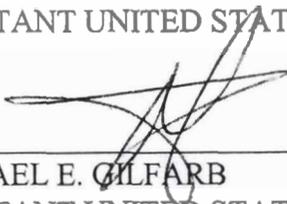
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY



KAREN E. GILBERT
ASSISTANT UNITED STATES ATTORNEY



JEFFREY E. TSAI
ASSISTANT UNITED STATES ATTORNEY



MICHAEL E. GILFARB
ASSISTANT UNITED STATES ATTORNEY